

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JAN 26 2009

Michael N. Milby, Clerk of Court

YOLANDA SALDIVAR, #733126	*	
	*	
PETITIONER	*	
	*	
vs.	*	CIVIL ACTION NO. H-08-1026
	*	
NATHANIEL QUARTERMAN,	*	
	*	
DIRECTOR OF TDCJ-CID	*	
	*	
RESPONDENT	*	

PETITIONER'S RESPONSE WITH
ATTACHED EXHIBITS

Comes now, Petitioner, in response to Respondent's Advisory and attached exhibit. Although the certificate of service of Respondent's Advisory state that a copy was mailed to Petitioner, prison mail logs DO NOT show that Petitioner received any legal mail from the Respondent on or about November 21, 2008 or thereafter as clarified by Ms. Solberg, prison mailroom supervisor. (See Exhibit A I-60 forms from Ms. Solberg).

There is no question and by virtue of prove that Petitioner filed her state habeas corpus on September 23, 2000 through certified mail, return receipt request green cards in spite of what the Deputy Clerk at the Nueces County Court has stated. It was delivered and accepted by all parties. Furthermore,

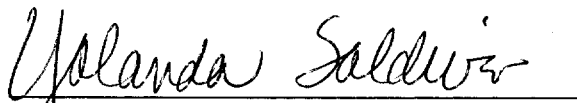
Petitioner submits to this Court the following:

On June 27, 2003, Ms. Maria Elida Saldivar purchased certain court records on the case at hand. (See Exhibit B, receipt of that purchase). At that time, she inquired on the status of Petitioner's 11.07 Application. She met with Assistant District Attorney Mr. James D. Rosenkild (See also Exhibit B for copy of his business card) and he informed her of its status. (See Exhibit C, affidavit by Ms. Saldivar). She was accompanied by another person who also witness these events. (See Exhibit D, affidavit by Ms. Ruth A. Sosa).

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Petitioner will continue to urge this Court to deny Respondent's Summary Judgment. Petitioner further ask this Court that if it finds reason to grant Summary Judgment, request a Certificate of Appealability.


Respectfully Submitted,



Yolanda Saldivar
TDC #733126
Lane Murray Unit
1916 N. Hwy 36 By Pass
Gatesville, Texas 76596

CERTIFICATE OF SERVICE

I, Yolanda Saldivar, do hereby certify that the foregoing document was mailed via certified mail to the Attorney General's Office, Ms. Carole S. Callaghan, Assistant Attorney General, Postconviction Litigation Division, P.O.Box 12548, Capitol Station, Austin, Texas 78711-2548 on 23rd day of January, 2009.



Yolanda Saldivar

Petitioner

CERTIFICATE OF SERVICE (CON'T)

I, Yolanda Saldivar, do hereby certify that the foregoing document was mailed via certified mail to Mr. Michael Bozarth, Chief, Habeas Corpus Division (Mail Code 066), P.O.Box 12548, Austin, Texas 78711-2548.



Yolanda Saldivar

Petitioner

January 23, 2009

VIA CERTIFIED REGISTERED MAIL

U.S. District Judge John R. Froeschner
United States District Court
601 Rosenberg, Room 508-A
P.O. Drawer 2300
Galveston, Texas 77553

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Michael N. Milby, Clerk of Court

Re: Yolanda Saldivar v. Nathaniel Quarterman
Civil Action No. H-08-1026

Dear Honorable Judge Froeschner:

Enclosed is the original of Petitioner's response to
Respondent Quarterman's Advisory and attached exhibit.

Sincerely,



Yolanda Saldivar
TDC #733126
Lane Murray Unit
1916 N. Hwy 36 By Pass
Gatesville, Texas 76596

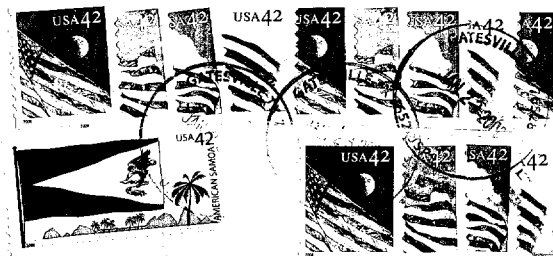
cc: Ms. Carole S. Callaghan
Assistant Attorney General
Postconviction Litigation Division
P.O. Box 12548
Capitol Station
Austin, Texas 78711-2548

cc: Mr. Michael Bozarth, Chief
Habeas Corpus Division (Mail Code 066)
P.O.Box 12548
Austin, Texas 78711-2548

YOLANDA SALVADOR 733126
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